

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MIRNA E. SERRANO, *et al.*,

Plaintiffs,

and

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff-Intervenor,

v.

CINTAS CORPORATION,

Defendant.

---

Case No. 04-40132

HONORABLE SEAN F. COX  
United States District Judge

OPINION & ORDER GRANTING DEFENDANT’S MOTION TO DISMISS  
ALL CLAIMS OF PLAINTIFF MIRNA E. SERRANO [Doc. No. 881]

On May 10, 2004, Plaintiff Mirna E. Serrano (“Serrano”) filed a complaint in this action, purporting to represent a class of women alleging gender discrimination claims against Defendant Cintas Corporation (“Cintas”). [See Doc. No. 1]. The EEOC filed suit as an intervening plaintiff on December 23, 2005, alleging that Cintas engaged in discriminatory hiring practices against female applicants in violation of 42 U.S.C. § 2000-e5. [See Doc. No. 98]. These matters were consolidated for pretrial purposes with another similar cause of action - *Blanca Nelly Avalos, et al. v. Cintas Corp.* [Case No. 06-12311].

Since that time, the Court has denied both the *Serrano* and *Avalos* plaintiffs’ motions for class-action certification [see Doc. No. 627] - and the Sixth Circuit has denied motions for interlocutory appeal. [See Doc. Nos. 632, 633]. All individual plaintiffs in the *Avalos* matter

have had their cases either dismissed, settled, or otherwise resolved [*see* Case No. 06-12311, Doc. No. 647], as is the case with all plaintiffs in the *Serrano* matter save for Ms. Serrano herself. [*See* Doc. Nos. 712, 722, 732].

Ms. Serrano filed for Chapter 7 Bankruptcy protection on October 19, 2009. [*See* Def.'s Ex. A, Doc. No. 881]. On February 10, 2010, Ms. Serrano, the Trustee of her bankruptcy estate - Mr. Charles J. Taunt - and Cintas agreed to a settlement in principal of all Ms. Serrano's claims against Cintas. Among other things, the parties agreed that Ms. Serrano would dismiss all of her claims against Cintas with prejudice, and that Cintas would waive any right to seek to recover costs or fees from Ms. Serrano or her counsel of record in this matter. Ms. Serrano also agreed to waive her right to appeal the Court's Order denying class certification. Cintas' instant motion presents this settlement for the Court's approval [*See* Proposed Order, Def.'s Ex. C, Doc. No. 881].

The EEOC objects to the proposed settlement order between Ms. Serrano and Cintas - as the proposed order is silent on the impact of the dismissal on the EEOC's claims as an intervenor in this action. Specifically, the EEOC argues that "the order of dismissal should clearly state that dismissal affects Ms. Serrano's individual claims only." [EEOC's Br., Doc. No. 884, p.1].

Since the time this motion was filed, however, the Court has dismissed all claims brought by the EEOC against Cintas as an intervening party to this action. Therefore, the EEOC's objections to this proposed order are **MOOT**, and the Court will therefore **GRANT** Cintas'

instant motion [Doc. No. 881].

**IT IS SO ORDERED.**

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 20, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 20, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager